

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-507-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Outdoor advertising sign as permitted by special exception under Section 413.3 of the Baltimore County Zoning Regulations.

MAP SW3F
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E.D. - 1ST
DATE - 6-19
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Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s): MORSEBERGER DEVEL. FLORER - MORSEBERGER INC.

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

604 HILTON AVE 747-6975

(Type or Print Name)

CATONSVILLE MD 21228

Signature

City and State

Address

MORSEBERGER DEVEL. INC

City and State

Name

Attorney's Telephone No.:

JAMES H. ABOVE 747-6975

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

of MARCH, 1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 23rd day of JUNE, 1988, at 10 o'clock

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING

Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The sign shall be illuminated only as an enclosed lamp design, non-flashing and contain no colored illumination. The sign shall not be illuminated from 10:00 P.M. until 7:00 A.M.

3. The design of the sign shall conform to the attached rendering. Any change in design or placement shall only be permitted pursuant to a Special Hearing to amend the Special Exception.

4. There shall be no other business or outdoor advertising signs located on the 742-744 Frederick Road property, except, for one on site business sign along Frederick Road for the benefit of any on site business as permitted by Section 413.2.

5. The Petitioner shall prepare and file with the Zoning Commissioner a revised and corrected site plan, incorporating this order and restrictions, that also sets forth all elements of the reduced signage, on or before December 1, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JRH:mmn

cc: Peoples Counsel
Mr. Louis Morseberger
Mr. Bruce Sandler
Mr. Paul Stack
Mr. Higgins
Ms. Jean Walsh

IN RE: PETITION FOR SPECIAL EXCEPTION

SS Frederick Road, 140' E of c/l Egges Lane (742 Frederick Rd) 1st Election District 1st Councilmanic District

Morseberger Development, Inc. Petitioner

AMENDED ORDER

WHEREAS the Petitioner requested approval for an offsite outdoor advertising sign; and,

WHEREAS the decision rendered by the Zoning Commissioner granting approval for an offsite outdoor advertising sign, as permitted, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, for an 8 x 10 foot, single face outdoor advertising sign, to be attached to the northeastern side of 742-744 Frederick Road; and,

WHEREAS, the Order contains an error in transcription as to the size of that sign; and,

WHEREAS, there is ambiguity in the meaning of restriction #3.

IT IS, THEREFORE, ORDERED by the Zoning Commissioner of Baltimore County this 12th day of September, 1988, that an amendment to the Order granting the relief requested for a Petition for Special Exception for an offsite outdoor advertising sign, as permitted, pursuant to Section 413.3 of the Baltimore County Zoning Regulations in accordance with Petitioner's Exhibit 1, for an 80 square foot, single face, wall mounted, outdoor advertising sign, to be attached to the northeastern side of 742-744 Frederick Road, be and the same is hereby GRANTED from and after the date of this Order, subject, however, to the following

interest. The facts and circumstances do not show that the proposed use at the particular location, described by Petitioner's Exhibits 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 12th day of August, 1988 that the Petition for Special Exception for an offsite outdoor advertising sign, as permitted, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, for an 8 x 10 foot, single face outdoor advertising sign, to be attached to the northeastern side of 742-744 Frederick Road, be and the same is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this

restrictions which are conditions precedent to the relief granted herein:

1. Restriction #3 in the Order dated August 12, 1988 is hereby amended to read that the design of the sign shall be approved by the Zoning Commissioner after formal submittal from the Petitioner before erection. Furthermore, the Petitioner shall provide all Protestants with a copy of the proposed sign design to permit written comment to the Zoning Commissioner by any or all of the Protestants. After the establishment of the original design and construction of the sign, any change in the design or placement shall only be permitted pursuant to a Special Hearing to amend the Special Exception.

IT IS FURTHER ORDERED that all other provisions and restrictions of the Order dated August 12, 1988 remain in full force and effect.

JRH:mmn

cc: Peoples Counsel
Mr. Louis Morseberger
Mr. Bruce Sandler
Mr. Paul Stack
Mr. Higgins
Ms. Jean Walsh

outdoor advertising and billboard signs. He is not in support of a compromise and believes that the outdoor advertising sign in question is in direct violation of the sign regulations found in the B.C.Z.R.

Mr. Stack, who appeared as a Protestant on behalf of the Central Catonsville Neighborhood Association, indicated that his organization voted prior to the first hearing on this matter to oppose the outdoor advertising sign. This opposition was primarily based upon the belief that there were too many business signs in the Catonsville area. They, also, approved the sign because the Catonsville 2000, Inc., group had not had an opportunity to determine whether or not the subject sign complied with the ultimate goals of that organization. He indicated that his organization had not formerly met to vote on the proposed compromise for an 8 x 10 foot outdoor advertising sign. However, he personally indicated that he would be in agreement with the proposed compromise.

The Petitioner testified to the requirements of Section 502.1 of the B.C.Z.R. and indicated that there were no discernible violations of any of those proposed requirements or restrictions.

Some of the Protestants also testified that they believed all of the requirements concerning the health, safety and general welfare of the public would be complied with by the reduced outdoor advertising sign and that there would be no particular harm to the general welfare.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public

IN RE: PETITION FOR SPECIAL EXCEPTION
SS Frederick Road, 140' E of c/l Egges Lane (742 Frederick Rd) 1st Election District 1st Councilmanic District
Morseberger Development, Inc. Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner requests approval of a Special Exception for an offsite outdoor advertising sign pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as more particularly described on Petitioner's Exhibit 1.

Louis Morseberger appeared and testified on behalf of the Petitioner. The Petitioner was supported by his tenant, Bruce Sandler /a The Guitar Exchange. There were three Protestants who appeared and testified. They were Mr. Paul Stack, representing the Central Catonsville Neighborhood Association, Mr. Higgins, individually, and Ms. Jean Walsh on behalf of Catonsville 2000.

The evidence tends to indicate that most of the parties have resolved their differences in relationship to the proposed offsite outdoor advertising sign. They have reached a compromise. The proposed compromises appeared to have been reached during the period from June 22, 1988 to July 13, 1988. The original hearing on June 22, 1988 was postponed at the request of the Petitioners. The case was rescheduled for July 13, 1988 at which time the hearing on the matter was conducted and the terms of the compromise set forth.

As indicated by the Petitioner's Exhibit 1, the proposed outdoor advertising sign is to be located on the east exterior wall of a three story frame building located on Frederick Road in Catonsville. This building is located at the entrance of the Baltimore County Revenue Authority metered parking lot. The sign is for the exclusive benefit of a property located at 17, 19, and 21 Melrose Avenue. These properties are located to the north of the Baltimore County Revenue Authority parking lot; approximately 275 feet from Frederick Road. The entire area is zoned B.L. C.C.C. All of the properties are graphically depicted on Petitioner's Exhibit 1. The property on which the sign is to be attached is commonly referred to as 742-744 Frederick Road.

There is a sign rendering on Petitioner's Exhibit 1 which indicates that the sign will be approximately 10 x 20 feet. According to the testimony in the record, the compromise between the Petitioner and some of the Protestants indicate that the sign will be reduced in size to 8 x 10 feet. This will be the only sign located on the side of this building. The sign will have one face and will be attached to the building. There will be no free standing or pole signs at this location.

This compromise was primarily reached by the Petitioner with Catonsville 2000, Inc., represented by Jean Walsh. This organization was originally on record as opposed to the outdoor advertising sign (Protestant's Exhibit 1). However, they withdrew their objection when the compromise was reached.

Mr. Higgins indicated that he is not in agreement with this compromise and he believes that there are too many business and advertising signs in Catonsville. He stated he is opposed to all

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

March 7, 1988

DESCRIPTION OF 742-744 FREDERICK ROAD FIRST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point of the northside of Frederick Road, said point being 140.00 feet more or less east of the centerline of Egges Lane; thence running North 12° 04' West 70.00 feet to a point; thence South 76° 50' West 4.00 feet to a point; thence North 12° 57' West 70.33 feet to a point; thence North 79° 46' East 40.74 feet to a point; thence South 10° 26' East 140.00 feet to a point on the northside of Frederick Road; thence running along the northside of said road, South 79° 46' West 31.67 feet to the point of beginning. Being known as 742-744 Frederick Road.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 23, 1988

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-507-X
55 Frederick Road, 140' E of c/l Egges Lane
(742-744 Frederick Road)
1st Election District - 1st Councilmanic
Petitioner(s): Morseberger Development, Inc.
HEARING SCHEDULED: WEDNESDAY, JULY 13, 1988 at 2:45 p.m.

Special Exception: Outdoor advertising sign as permitted by special exception under Section 413.3 of the Baltimore County Zoning Regulations.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Morseberger Development, Inc.
William P. Higgins
Jean S. Walsh
Bruce Sandler
File

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 2, 1988

THE JEFFERSONIAN,

S. Zebe Orlean

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
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Petitioner(s): Morseberger Development, Inc.
HEARING SCHEDULED: WEDNESDAY, JUNE 23, 1988 at 2:45 p.m.
Special Exception: Outdoor advertising sign as permitted by special exception under Section 413.3 of the Baltimore County Zoning Regulations.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy.
Columbia, MD 21044

June 24 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:

- ☒ Catonsville Times \$20.35
- ☐ Arbutus Times
- ☐ Reporter Weekly
- ☐ Booster Weekly
- ☐ Owings Mills Flier
- ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the day of June 19, 1988, that is to say, the same was inserted in the issues of

June 9, 1988

PATUXENT PUBLISHING COMPANY
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: June 28, 1988



Mr. Bruce Sandler
The Guitar Exchange
17 Melrose Avenue
Baltimore, Maryland 21228

Re: Petition for Special Exception
CASE NUMBER: 88-507-X
55 Frederick Road, 140' E of c/l Egges Lane
(742 - 744 Frederick Road)
1st Election District - 1st Councilmanic
Petitioner(s): Morseberger Development, Inc.
HEARING SCHEDULED: WEDNESDAY, JUNE 23, 1988 at 10:00 a.m.

Dear Mr. Morseberger:

Please be advised that \$1285 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring to Office, County Office (15) minutes before

BALTIMORE COUNTY, MARYLAND No. 52937
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 7/13 ACCOUNT 01-615-1000 n and post set(s), there e for each set not

AMOUNT \$ 722.85 YOURS,
RECEIVED FROM Morseberger Development, Inc. (Cashier Exchange) 88-507-X Haines
FOR: LINES
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VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 12, 1988



Mr. Elmer Morseberger
Mr. Louis Morseberger
Morseberger Development, Inc.
604 Hilton Avenue
Catonsville, Maryland 21228

RE: Petition for Special Exception
Case No. 88-507X

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
Mr. Bruce Sandler
Mr. Paul Stack
Mr. William P. Higgins
Ms. Jean S. Walsh

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 2, 1988



Mr. Bruce Sandler
The Guitar Exchange
17 Melrose Avenue
Baltimore, Maryland 21228

RE: Petition for Special Exception
S/S Frederick Road, 140' E of the c/l of Egges Lane
(742 Frederick Road)
1st Election District - 1st Councilmanic District
Morseberger Development, Inc. - Petitioner
Case No. 88-507-X

Dear Mr. Sandler:

As a follow-up to your conversation of October 20, 1988 with Derek Propolis of this office and in an effort to clarify the Office of Zoning's position in this matter, please be advised that the existing sign does not meet the requirements of the Baltimore County Zoning Regulations and must be removed. Although we realize the difficulty you have been experiencing in your efforts to replace the sign with one in compliance with the regulations and the decision rendered in the above-captioned matter, the existing sign remains in violation of the zoning regulations. When and if it is replaced with an appropriate sign is irrelevant. As long as the existing sign continues to remain in place, the property will be in violation of the zoning regulations and will be subject to a fine for each day that it continues in violation.

Thank you for your attention in this matter. If you have any further questions on the subject, please do not hesitate to contact Mr. Propolis at 494-3351.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Case File (2)
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 13, 1988



Mr. Bruce Sandler
The Guitar Exchange
17 Melrose Avenue
Baltimore, Maryland 21228

RE: Petition for Special Exception
Case #88-507X

Dear Mr. Sandler:

I am in receipt of your August 29, 1988 letter. Please be advised that as Judicial Hearing Officer, I do not believe it is appropriate to discuss or debate my Orders. I will review my Orders in response to written request for clarification and/or correction.

The law requires I inform you that if you are not in agreement with my Order, then you have a right to appeal. The restrictions I included are the ones I believed to be necessary, after hearing the testimony. Section 500 of the Baltimore County Zoning Regulations (B.C.Z.R.) permits such restrictions.

Color illumination means just that, no color lights. The sign can be made of any colors, but the light must be white. I meant a wall sign and no other type. I did not permit a pole sign or a free standing sign. The size is a maximum, not a shape. The B.C.Z.R. require conventional light box signs.

Your position now and the testimony concerning the rendering for the sign are different. I will grant your request to amend the Order and restriction #3 will be changed. Other tenants or users of the sign, in the future, must petition the Zoning Commissioner for any change.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

April 25, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-507-X
55 Frederick Road, 140' E of C/L Eggs Lane
(742 - 744 Frederick Road)
1st Election District - 1st Councilmanic
Petitioner(s): Morsberger Development, Inc.
HEARING SCHEDULED: WEDNESDAY, JUNE 22, 1988 at 10:00 a.m.

Special Exception Outdoor advertising sign as permitted by special exception under Section 413.3 of the Baltimore County Zoning Regulations.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Morsberger Development, Inc.
File



Dennis F. Rasmussen
County Executive

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawmut Place 15 Shown Road
Towson, Maryland 21204
201-221-2800

PETITIONER'S EXHIBIT 1

*742/744 FREDERICK ROAD
1ST ELECTION DISTRICT BALTO. CO. MD
SCALE: 1" = 40' MARCH 7, 1988

SITE PLAN

BL-CCC

FREDERICK ROAD

POB

140' TO THE S OF EGGS LANE

57' 40" W

31.67'

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FREDERICK ROAD

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BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

TO: J.G. Hoswell July 18, 1988
Office of Planning and Zoning

FROM: J. Robert Haines
Zoning Commissioner

SUBJECT: Zoning Petition 88-507-X
Morseberger Development Inc.
742 Frederick Road

In your comments of May 16, 1988, your recommendations by the Office of Planning was to deny the special exception.

Are you familiar with the compromise reached by Catonsville 2000, Inc. and the Petitioners concerning the sign 8' x 10', one face? If you are familiar with the compromise then, does this change your comments in any way?

Please advise.

JRH:mmm

88-507X

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
William P. Higgins	1611 Rock House Ave
Jean S. Walker	717 Edmondson Ave #1228
	Catonsville MD 21228

Central Catonsville Neighborhood Association
P.O. BOX 9434 • CATONSVILLE, MARYLAND 21228

June 21, 1988

Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, MD

Re: Petition for Special Exception
Case # 88-507-X

Dear Commissioner:

At its June 15, 1988, meeting, the Board of Directors of the Central Catonsville Neighborhood Association (CCNA) unanimously voted its opposition to an advertising sign being placed at 742-744 Frederick Road by Morseberger Development, Inc.

The Board cited the following reasons for its opposition:

1. The sign requested would not be in keeping with the current atmosphere of the Catonsville Business District.
2. To allow such a sign would set a precedent for other interests to petition your office for special exceptions.
3. The recently established Catonsville 2000, Inc. Committee is currently studying streetscape issues such as advertising signs. We ask the Commissioner to deny this request—or at least postpone a decision on it—until the 2000 Committee can suggest a standard for advertising signs for Catonsville.

CCNA urges your office to deny request 88-507-X.
Thank you.

Sincerely,

Paul E. Slack, President

PROTESTANT'S
EXHIBIT 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
Zoning Supervisor

TO: James Thompson
Zoning Enforcement Coordinator

FROM: Item No. 326 (if known)
Petitioner: Morseberger (if known)

SUBJECT: Violation Case # 88-1171

LOCATION OF VIOLATION 742 Frederick Rd
DEFENDANT Bruce Reid Rindler ADDRESS 17 Melrose Avenue

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Bill Higgins 733 Frederick Rd
Baltimore MD 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition #88-507-X

This office is opposed to the granting of the subject request. The site is located within the Central Catonsville Study Area, an area that is currently being studied by a committee representing both community organizations and the business community; the committee is an outgrowth of the County Councilman's and Planning Board's concerns with the revitalization of the area. To grant this request prior to the completion of the committee's work would be totally inappropriate. Any consideration of additional signage in this area, already blessed with a plethora of signs, is diametrically opposed by this office.

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

P. David Fields, Director
Office of Planning and Zoning

RECEIVED
MAY 17 1988
ZONING OFFICE

CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

April 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 320, 324, 325, 326, 327, 328, 331, 333, 334 and 335.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/pml-b

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

April 5, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Morseberger Development Inc.

Location: SS Frederick Rd., 140' + E of c/l Egges La.

Item No.: 326 Zoning Agenda: Meeting of 3/22/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plan for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 1, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Elmer L. Morseberger
606 Hilton Avenue
Catonsville, Maryland 21228

RE: Item No. 326 - Case No. 88-507-X
Petitioner: Morseberger Development Inc.
Petition for Special Exception

Dear Mr. Morseberger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: McKee & Associates, Inc.
Shawen Place - 5 Shawan Road
Hunt Valley, Maryland 21093



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

March 23, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Morseberger Development
Incorporated
Zoning Meeting 3/22/88
5/5 Frederick Road
Maryland Route 144
140' east of centerline
of Egges Lane
Item #326

Dear Mr. Haines:

After reviewing the submittal of a Special Exception for an outdoor advertising sign, the State Highway Administration, Bureau of Engineering Access Permits has the following comment.

The submittal for variance of a business sign has been forwarded to the State Highway Administration-Beautification Section, C/O Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, contact Larry Brocato of this office (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: Morris Stein w/att.
J. Ogle

RECEIVED
MAR 25 1988
ZONING OFFICE

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-432-5042 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

CATONSVILLE 2000, INC.

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Chairman

ADVISOR TO THE BOARD
William Haggerty
First District Planner
Baltimore County
Office of Community Planning

"Working For A Better Catonsville Community"

Writer's Phone #: 747-6620
Writer's Address: 717 Elmwood Avenue
Catonsville, MD 21228

Mr. J. Robert Haines, Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception #88-507-X

Dear Mr. Haines,
I am a member of the Board of Directors of Catonsville 2000, Inc. which is an organization working for a better Catonsville community through its committees on Land Use Planning, Traffic, and Streetscape and Architecture.

A Catonsville resident for 52 years, I have continued to be concerned about the appearance and condition of the Frederick Road business section. As a result, I am happy to serve on the Streetscape and Architecture Committee which is focusing its attention on many aspects of the possible improvement that Catonsville 2000, Inc. expects to engineer in the next 12 years. One of the areas of targeted improvement will be signage-giving fair opportunities for merchants and service businesses to advertise effectively, but also to advertise in consideration of the aesthetics of the streetscape.

Until our plans for the study area have progressed further, with definite suggestions for quality signs in compliance with the county zoning code (without special exception), the Executive Committee of the Catonsville 2000, Inc., voted on June 14, 1988 to oppose the 10'x20' sign Special Exception request by Morsberger Development, Inc. It advertises on the site of a Morsberger building at 742 Frederick Road, for a Morsberger tenant's business conducted in another building. Retention of the unnecessarily large sign as a Special Exception would certainly set a precedent for other owners and renters to further blight the village.

Also in question is the placement of the 10'x20' sign, on the same 45' wall with another smaller sign which advertises another business not in the building where it is posted. According to the Baltimore County Zoning Regulations for 413.3, "Outdoor advertising signs are allowed in B.L. Zones as Special Exceptions under the following conditions.... f. ...all signs placed on improved commercial properties shall be spaced not less than 100 feet apart." The two signs on the Morsberger building can not be because the wall is only 45'.

We recommend that both signs be removed, and that the petition for Special Exception be denied unless it is amended to limit the size of a new sign which would advertise the two businesses located in another building. We would object if the new sign would be larger than 8'x10' (80 square feet). If such a size limitation is approved by the Commission, we would also ask that the two present signs remain until the new sign can be made and hung within the next 30 days (but not beyond August 27, 1988).

Sincerely yours,

Jean Walsh
Jean Walsh, Streetscape and Architecture Committee

PROTESTANT'S
EXHIBIT 1

CATONSVILLE 2000, INC.

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Office of Community Planning

"Working For A Better Catonsville Community"

Writer's Phone #: 747-6620
Writer's Address: 717 Elmwood Avenue
Catonsville, MD 21228

Mr. Bruce Sandler
Guitar Exchange
17 Melrose Avenue
Catonsville, MD 21228

Re: Petition for Special Exception #88-507-X

Dear Mr. Sandler,

The June 14 decision of the Catonsville 2000, Inc.'s Executive Committee that the Streetscape Committee should oppose the large size sign advertising your business and mounted on the side of the Morsberger building at 742 Frederick Road, should be opposed as a Special Exception to the Zoning Commissioner.

It has been decided by the Streetscape Committee of the Catonsville 2000, Inc.'s Board of Directors, that an amendment be made to the Special Exception in the Baltimore County Zoning case # 88-507-X which involves the present 200-square-foot sign for the Guitar Exchange.

We recommend that both existing signs on the side of that building be removed when a new sign can be made and hung within the next 30 days after the July 13 zoning hearing. The amendment to the Special Exception petition would also specify that the present signs cannot remain after August 27, even if a new sign has not been completed.

The amendment should also state that a new sign cannot exceed 80 square feet, but may include in one corner of the sign a smaller block, advertising the Hair Cuttery which is adjacent to your shops.

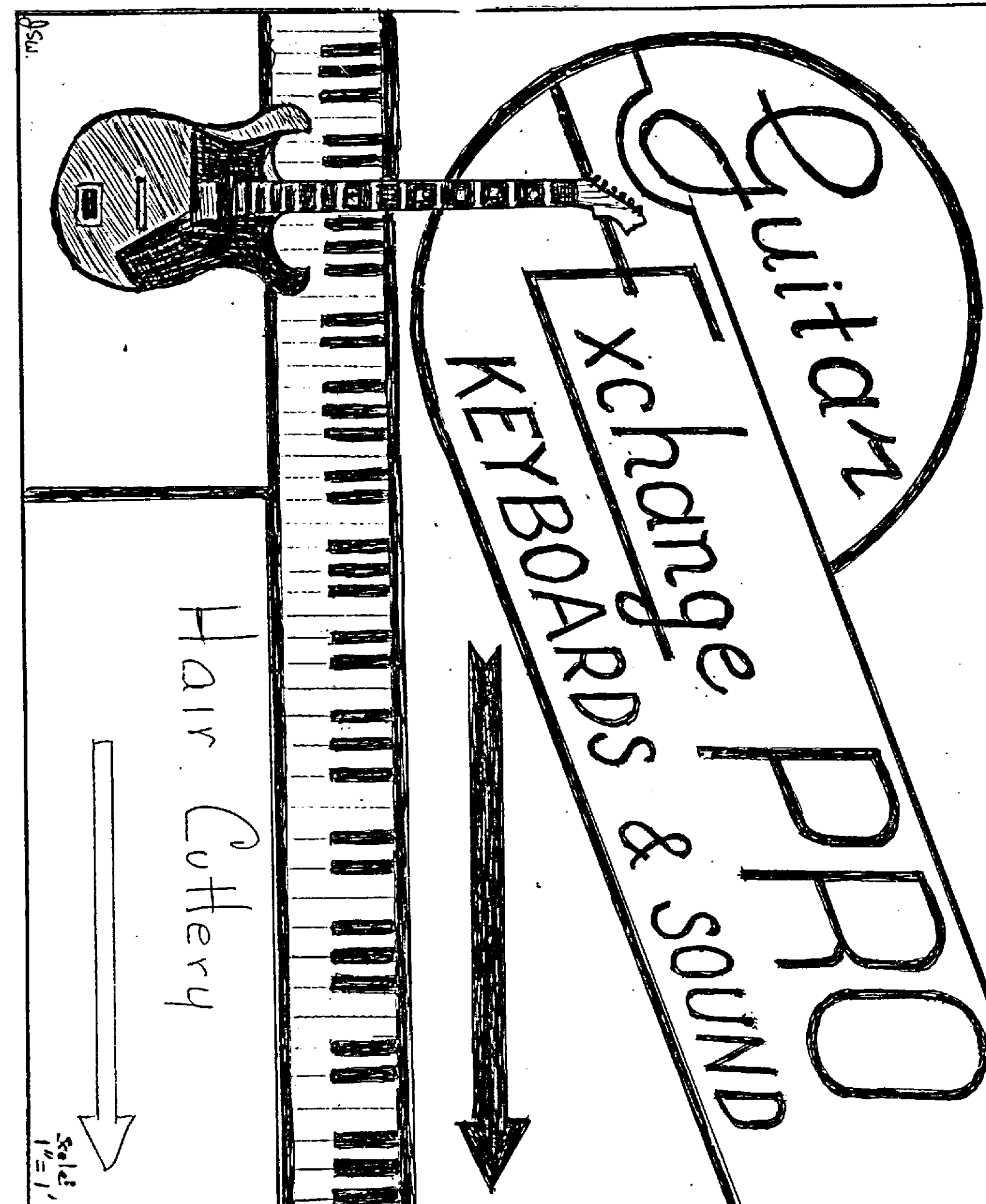
In an 80-square-foot sign, if approximately 12 square feet are deducted for the Hair Cuttery sign in one corner of the larger sign, then 68 square feet would remain for your business advertising. We suggest that the sign be 8'x10' and possibly incorporate the attached drawing with your logo as a basis for the new sign design, but using colors less garish than the present sign's yellow, black and red.

At a meeting of the Environmental Committee of the Central Catonsville Neighborhood Association on July 6, the above stipulations for an amendment to the Special Exception petition is also acceptable to that group which had originally planned to oppose the Special Exception petition because of the immense size of the present sign.

We also want to advise you that in the future, as the Catonsville 2000, Inc. plans are more detailed, you might be consulted when other businesses are also approached about the advisability of changing sign designs and sizes to make the business community more attractive, along with other recommendations.

Yours sincerely,

Jean Walsh, Streetscape and Architecture Committee



the Guitar Exchange
17 Melrose Ave. Baltimore, Maryland 21228

11-23-88

Mr. Propolis. RE: Case # 88 507-X

Regarding our conversation this date, please find enclosed copy of contract with Robert's Signs for construction and installation of our new sign. Also, per our conversation, please be advised that the Commissioner, per my last conversation with his secretary, Ms. Novak, has said that since we are in the process of getting the new sign up, as evidenced by the enclosed contract, we may keep our existing banner up until January 1 (at the latest). As of this date, we expect the new sign to be up and the old one down, a week or two before that date. Please contact me if there are any further or other problems on this matter that I need to know about. Thanks for your time and your help.

Cordially,

Bruce Sandler

11/25 OK with Cms Harris

the Guitar Exchange
17 Melrose Ave. Baltimore, Maryland 21228

8-29-88

Mr. J. Robert Haines,
Zoning Commissioner.

RE: Petition for Special Exception
Case No. 88-507X

Mr. Haines:

Regarding your letter dated August 12, 1988, granting the special exception requested, first of all, thank! The result of your decision, as it applies to us, might literally be the difference between us staying in business or not. However, I do have some questions about, and problems with, the restrictions set down in your decision. I've enclosed copies of portions of your letter, as well as a copy of the pertinent letter sent to me by Catonsville 2000 in July, prior to the hearing. Actually, the restrictions I have a problem with are either issues which we had worked out with Catonsville 2000, or, the wording of portions of the restrictions out of the Special Exception, which we had wanted to be sufficiently broad to apply to our potential signage needs, as well as the needs of any other or future tenants of the Morsbergers.

Specifically, you've indicated that the sign is to be 8bvt0 feet. When actually the compromise we've reached was that the sign would be no more than 80 square feet. This would allow a sign to be a variety of rectangular shapes, and still be within the 80 square foot limit. Also, you say there are to be no free standing or pole signs, which, again we would like to have as an option, since it is question-able as to whether or not the building at 742 Frederick Rd. will support a conventional light-box sign.

Also, where you say that the sign "shall contain no colored illumination", I'm not sure what you mean. Catonsville 2000 had suggested in their letter that the sign use less garish colors than in the existing sign. I hope we won't be restricted to black and white.

Most importantly, in item #3, you say "The design of the sign shall conform to the attached rendering", whereas I would respectfully remind you that Mrs. Walsh's word one at that, but it may or may not be and actually a pretty good one to go with for the design. Also, it would what we ultimately want to go with for the design. Also, it would obviously present a problem for any other tenant in the future, and of course the Special Exception is for the Morsbergers, not us. Please give me a call if you can, and at any rate we are anxiously awaiting your response.

Sincerely,

Bruce Sandler

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We also want to advise you that in the future, as the Catonsville 2000, Inc. plans are more detailed, you might be consulted when other businesses are also approached about the advisability of changing sign designs and sizes to make the business community more attractive, along with other recommendations.

Yours sincerely,

Jean Walsh, Streetscape and Architecture Committee



Signs
742 Frederick Road
Catonsville, MD 21228
900
November 10, 1988

This letter is in regard to the oversize Guitar Exchange exterior sign that has been mounted at 742 Frederick Road in Catonsville for one year without benefit of zoning approval.

On Aug. 12, 1988 you ruled that this oversize sign must be taken down, and that a smaller sign could be put in its place. In the three months since your decision, nothing has been done.

Please inform me and any other interested parties as to when this oversize sign must be removed.

Cordially,

Bill Higgins

Bill Higgins

cc: Bruce Sandler
Jean Walsh
Elmer Morsberger c/o Morsberger Development, Inc.

RECEIVED
NOV 14 1988
ZONING OFFICE

ROBERTS
Signs
AND SERVICES
7923 Bridge Ave., Rosedale, MD 21237

November 11, 1988

Plastic * Neon

Phone: (301) 391-7073

Thank You for letting Roberts Signs serve you. We are pleased to quote the following prices:

Ref: Guitar Exchange
17 Melrose Ave
Catonsville, Md

Phone: 747-0122

To fabricate and install (1) 8ft x 10 ft . single face illuminated sign. Customer to supply scale sketch of copy to be sprayed painted on cloth face. Lampe and ballast to be of high output (800 w/a - 170 volts)

Customer to supply permits and to obtain landlord approval to install sign. Sign and Materials used to install sign are property of Roberts Signs until final payment is made. *Robert's Signs will get Electrician Permit. We will pay for permit.*

Mr. Bruce Sandler gives his personal promise to pay full payment of sign *(Guitar Exchange)*

Terms

Total cost of sign and installation..... \$ 3,000.00
50% down payment \$ 1500.00
50% upon completion \$ 1500.00

Copy of Sign Face not to exceed (3) colors.

Thank You,

B. Sandler 11/14/88

Robert Higgins